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IN THE
SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1926.

**ST. LOUIS AND SAN FRANCISCO RAIL-
ROAD COMPANY and ST. LOUIS-SAN
FRANCISCO RAILWAY COMPANY,**

Petitioners,

v.

E. B. SPILLER et al.,

Respondents.

No. 577.

**PETITIONERS' SUGGESTIONS IN OPPOSITION
TO MOTION OF RESPONDENTS TO AD-
VANCE ABOVE CAUSE ON DOCKET.**

**EDWARD T. MILLER,
ALEXANDER P. STEWART,
Attorneys for Petitioners.**



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To the Honorable, the Supreme Court of the United States:

Come now St. Louis and San Francisco Railroad Com-
pany and St. Louis-San Francisco Railway Company, peti-
tioners in the above-entitled cause, and respectfully oppose

the motion of respondents to advance said cause on the docket for argument, and for grounds of such opposition state:

First. That this case has never been adjudicated by this Court upon its merits, or otherwise, and is not entitled to be advanced under the provisions of paragraph 5 of rule 18 of this Court. This action was commenced on December 2, 1920, by the filing by respondents, in the District Court of the United States for the Eastern Division of the Eastern District of Missouri, of their applications for leave to file intervening petitions in the receivership suit against St. Louis and San Francisco Railroad Company pending in said District Court (R. 14, 62). The applications were granted February 12, 1921 (R. 13, 60), and the intervening petitions were filed. Subsequent proceedings, prior to the granting by this Court of the petition for a writ of certiorari on November 1, 1926, were had in said District Court and in the United States Circuit Court of Appeals for the Eighth Circuit.

Second. The United States is not a party to this case, and therefore the case is not entitled to be advanced under the provisions of the Expediting Act (32 Stat. L. 823; 36 Stat. L. 854).

Third. The questions for determination in this case have been in litigation only since the filing by respondents of

their intervening petitions in the receivership suit against St. Louis and San Francisco Railroad Company, as hereinabove stated; and no special cause exists or has been shown by respondents for advancement under paragraph 7 of rule 18 of this Court.

Wherefore, petitioners respectfully pray that the motion to advance be denied.

EDWARD T. MILLER,

ALEXANDER P. STEWART,

Attorneys for Petitioners.